
COURT/LEGAL TERMINOLOGY

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AS LAW VARIES GREATLY FROM STATE TO STATE, PLEASE CONSULT WITH PROPER LEGAL COUNSEL FOR MORE DETAILED INTERPRETATION OF THIS INFORMATION.

Accessory	A person who aids or contributes in the commission or concealment of a crime.
Acquittal	Judgment that a criminal defendant has not been proved guilty beyond a reasonable doubt.
Accomplice	A person in any way involved with another in the commission of a crime.
Adjudication Withheld	The withholding of the rendering of a judgment or non-adjudication of guilt - (non-conviction)
Affidavit	A written statement of facts confirmed by the oath of the party making it, before a notary or officer having authority to administer oaths.
Affirmed	In the practice of the appellate courts, the decree or order is declared valid and will stand as rendered in the lower court.
Affray	Two or more people fighting by mutual consent in a public place.
Agency	One party acting on behalf of another party creating a fiduciary relationship.
Aggravated	A crime committed and made worse by circumstances such as violence, weapons or intent to cause harm.
Aid & Abet	To assist or facilitate a crime.
Answer	The formal written statement by a defendant responding to a civil complaint and setting forth the grounds of defense.
Appeal	A request made after a trial, asking another court (usually the court of appeals) to decide whether the trial was conducted properly. To make such a request is "to appeal" or "to take an appeal". One who appeals is called the appellant.

Appellate	About appeals; an appellate court has the power to review the judgment of another lower court of tribunal.
Arbitration	A method of dispute resolution.
ARD - Accelerated Rehab Disposition	Similar to probation, this sentence has a dismissal and expungement eligibility providing all conditions and compliance's set by the judge are strictly adhered to. Unlike probation - ARD cases are non-convictions.
Armed	Equipped with some type of weapon.
Arraignment	(1) A proceeding, in which an individual who is accused of committing a crime is brought into court, told of the charges and asked to plead guilty or not guilty. (2) To bring a defendant before a judge to hear the charges brought against him/her and to enter in a plea.
Arrear(s)	Being behind in the payment of a debt.
Arrest	The legal custody of a person with the intent to bring them before the court.
Arson	The malicious burning of a dwelling house or structure appurtenant to a dwelling house or a structure within the curtilage.
Assault	Unwanted or offensive physical contact with another person.
Attempt	An act that is done with the intent to commit a crime but falls short of committing that crime.
Bail/Bond	Security given for the release of a criminal defendant or witness from legal custody (usually in the form of money or property) to secure his appearance on the date and time appointed.
Bankruptcy	Refers to statutes and judicial proceedings involving persons or businesses that cannot pay their debts and seek the assistance of the court. Under the protection of the bankruptcy court, debtors may discharge their debts.
Battery	Use of force against another resulting in physical contact.
Bench Trial	Trial without a jury in which a judge decides the facts.
Bigamy	The act of marrying someone while legally married to another.
Bill of Indictment	Presented to a grand jury to decide whether or not there is probable cause to formally charge someone with a crime (returns or issues No Bill or a True Bill).

Bond	A surety or promise to act.
Break & Enter	The unlawful entry of a building or dwelling.
Bribery	The payment and solicitation of a favor for official action.
Brief	A written statement submitted to the court by the attorneys in a case that explains or argues a part of the case.
Burglary	Breaking and entering an inhabited dwelling house at night with the intent to commit a crime.
Capital Offense	A crime punishable by death.
Case Law	The law as applied in cases that have been decided in the decisions of the courts.
Chambers	A judge's office.
Charge to the Jury	The judge's instruction to the jury concerning the law that applies to the facts of the case on trial.
Check Kiting	Writing checks against an account with insufficient funds and depositing them in a second bank account when neither account has sufficient funds to cover the checks written.
Chief Judge	The judge who has primary responsibility for the administration of a court but also decides cases.
Circumstantial Evidence	All evidence except eyewitness testimony.
Citation	Order issued by police or public officer to appear before the court to answer the charges contained in the citation, such as a traffic violation.
Civil Law	Refers to disputes between private parties and the pursuit of redress of wrongs by compelling compensation or restitution from the wrongdoer.
Clerk of Courts	An elected county official charged with the court's administration, scheduling and the maintenance of court records. Deputy Clerk's and Assistant Clerk's are hired or appointed by the elected Clerk of Court.
Code	Collection of laws, rules and regulations issued by a local governing body, such as a County Code.

Commitment	Commonly refers to the act or confining a person to a mental facility, prison or other institution.
Common Law	The legal system that originated in England. It is based on judicial decisions rather than legislative action. The common law evolved from custom and is generally law that is broadly recognized.
Complaint	A written statement by the plaintiff stating the wrongs allegedly committed by the defendant.
Concurrent	When referring to court procedures and sentencing, concurrent means operating at the same time or covering the same matters.
Contempt (1) Civil Contempt (2) Criminal Contempt	Conduct or actions that defy the authority of the court or impugn the dignity of the court. Any conduct which interferes with the administration of justice. (1) Civil Contempt usually refers to the failure to obey a court order and can last until compliance. (2) Criminal Contempt refers mainly to actions that obstruct justice or attacks the integrity or dignity of the court.
Contest	To call into question or challenge.
Contract	An agreement between two or more persons.
Convictions	A judgment of guilt against a criminal defendant.
Counsel	Legal advice; a term used to refer to lawyers in a case.
Counterclaim	A claim that a defendant makes against a plaintiff.
Court	Government entity authorized to resolve legal disputes.
Court reporter	A person who makes a word-for-word record of what is said in court and produces a transcript of the proceedings upon request.
Court Supervision	Mainly in the State of Illinois, order to remain law abiding with no same or similar offense committed. Fines and court costs may still be imposed.
Credit Time Served	Refers to time spent in jail during pre-trial. If convicted and an active jail sentence imposed, this time can be credited to the sentence to satisfy in whole or in part.
Creditor	A person or entity who gives credit for money or goods.

Curfew	A regulation that forbids people from being outside or in cars during certain hours.
Damages	Money paid by defendants in civil cases to compensate the plaintiffs for injuries.
Dangerous	A condition or situation likely to cause bodily harm.
Dead Docket	Attorney for the state agrees to take no further action in a case provided defendant remains law abiding with no same or similar offenses. If such an offense should re-occur, the “dead docket” case may be revised.
Deadly Weapon	Any device, instrument or substance that from the manner in which it is used is intended to cause death or serious injury.
Debtor	A person owing an obligation of money or other value.
Deed	Written signed instrument which conveys property, usually land.
Defamation	Causing harm to another person’s reputation through false written or oral statements.
Default Judgment	Judgment entered in a case due to the defendant’s or plaintiff’s failure to appear.
Defendant	In a civil case, the person named in the complaint; in a criminal case, the person accused of the crime.
Deferred Adjudication Deferred Judgment	Judgment is not entered pending conditions set forth by the court. A non-conviction.
Degree of a Crime	Generally classifies a crime into different levels based upon the severity, circumstances and or elements.
Deposition	An oral statement made before an officer authorized by law to administer oaths. Such statements are often taken to examine potential witnesses, to obtain discovery, or to be used later at trial.
Diminished Capacity	An impaired mental state – can be temporary as in the case of intoxication or permanent due to trauma or disease.
Discovery	An attorney’s examination, before trial, of facts and documents in possession of the opponents to help prepare for trial.

Dismissed with Prejudice	The dismissal of any case, prohibiting the right to file suit or charges again on the same cause of action.
Dismissed without Prejudice	The dismissal of any case with the understanding that the complainant can file suit or charges again on the same course of action.
Disorderly Conduct	Any behavior that tends to disturb the peace, offends public morals, or undermines safety.
Diversion Program	Foregoing criminal prosecution in lieu of special programs or educational classes, alleviating the stigma of a criminal conviction.
Docket	A log containing brief entries of court proceedings or to the daily schedule of cases.
Domestic Violence	Violence between members of a household. Encompasses the infliction of serious injury or the reasonable fear of physical harm.
Double Jeopardy	Refers to the Clause in the 5 th Amendment. Protection from being prosecuted or sentenced twice for the same offense.
Dower	Refers to a wife's rights in property ownership through marriage.
Embezzlement	The taking of money or property with which one has been entrusted.
Eviction	The legal process of dispossessing a person of land or rental property.
Evidence	Testimony, documents and or tangible objects that tend to prove or disprove an alleged fact. The collection of testimony and exhibits presented at trial.
Expunge	To declare null and outside of the record. The removal of a conviction from a person's record.
Extortion	The act of obtaining something or forcing an action by illegal means.
Extradition Policy	The surrendering or transfer of a criminal by one state or country to another, to answer to charges therein.
Failure To Appear FTA	A charge issued from the bench for failing to appear before the court after being directed to do so.
False Pretense	Criminal charge for obtaining property, goods or services by misrepresentation with the intent to defraud.

Federal Question	Jurisdiction given to federal courts in cases involving the interpretation and application of the U.S. Constitution, Acts of Congress and Treaties.
Felony	A serious crime carrying a penalty of more than a year in prison or death. Sentences vary from state to state.
Felony Murder	Death which occurs during the commission of a felony.
Fiduciary	A person required to act on behalf of another person or entity on all matters within the scope of their relationship.
File	To place a paper in the official custody of the clerk of court to enter into the files or records of a case.
Firearm	A weapon that expels a projectile by use of gunpowder or other explosive.
Foreclosure	The legal proceeding to terminate the mortgagor's interest in a property.
Forgery	Making a false document or altering a real one to be used as authentic.
Fraud	A misrepresentation of the truth or concealment of a material fact to induce another to act.
Fugitive	A person who escapes/evades prosecution, imprisonment, service of process, or giving testimony by fleeing to another jurisdiction.
Garnishment	Proceeding in which a creditor requests the court to order a person or entity to turn over wages to the satisfaction of a debt owed.
Grand Jury	A body of citizens, who listen to evidence of criminal allegations which are presented by the state to determine whether there is probable cause to believe a crime was committed.
Guardian	A person who has the legal authority to act on another's behalf due to infancy, incapacity, or disability.
Guilty	(1) A plea entered by a defendant in a criminal trial. (2) A jury or judicial verdict.
Habeas Corpus	A writ used to bring a prisoner before the court to determine the legality of his imprisonment. It may also be used to bring a person in custody before the court to give testimony, or to be prosecuted.

Harassment	Conduct, words, or actions directed at a person with the intent to annoy, alarm, or cause emotional distress with no legitimate purpose.
Harboring	The crime of affording lodging, shelter or refuge to a wanted person or an illegal alien.
Hazing	The practice of physical or emotional abuse inflicted upon newcomers to an organization as a means of initiation.
Hearsay	Statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay is usually not admissible evidence in court.
Hit and Run Statute	Laws requiring a motorist involved in an accident to remain at the scene and to provide information to officers and others involved in the accident.
Homicide	The act of killing another.
House Arrest	The confinement of an accused or convicted person to his or her home by attaching an electronic monitoring device to the person.
Human Rights	The freedoms, immunities and benefits that all human beings should be able to claim as a matter of right in the society in which they live.
Immunity	An exemption from a duty or liability.
Impeachment	(1) To discredit the veracity or accuracy of a witness or documents. (2) The constitutional process whereby the House of Representatives may "impeach" (accuse of misconduct) high officers of the federal government for trial in the Senate.
Implied Consent	Consent inferred from a person's conduct rather than their expressed or spoken consent.
In Abstentia	In the absence of.
In Arrears	Behind in a debt or other obligation – fines or fees payable.
Incapacitated	Being disabled or lacking legal capacity to make decisions.
Incendiary	Something used to start a fire or explosion.
Incest	Sexual relations between close family members, including children related by adoption.

Incompetency	The inability to stand trial or to testify.
In Forma Pauperis	In the manner of a pauper. Permission given to a person to sue without payment of court fees on claim of indigence or poverty.
Indecent	Being offensive, usually in a vulgar or sexual way.
Indecent Exposure	In most states, refers to the intentional exposure of one person's genitals to another person of the opposite sex.
Indecent Liberties	Refers to improper behavior toward a minor, usually of a sexual nature.
Indictment	The formal written accusation of a crime made by a grand jury stating that there is enough evidence that the defendant committed the crime to justify having a trial.
Indigent	A poor person – found to be financially unable to pay.
Inebriated	Being drunk.
In Forma Pauperis	In the manner of a pauper. Permission given to a person to sue without payment of court fees on claim of indigence or poverty.
Information	A formal criminal charge made by a prosecutor without an indictment, used for misdemeanors in most states.
Infraction	In most states, it is a violation of a rule or law which is not punishable by jail time. Some traffic offenses are now considered infractions.
Injunction	An order of the court compelling or forbidding an action.
Innocent	Free from guilt.
Instructions	Judge's explanation to the jury before it begins deliberations of the questions it must answer and the law governing a case.
Intent, Criminal	The mental resolution to commit an illegal act or crime without justification (Mens Rea).
Interrogatories	Written questions asked by one party of an opposing party, who must answer them in writing under oath; a discovery device in a lawsuit.
Intoxication	A lack of mental or physical abilities due to alcohol or drugs.

Involuntary Manslaughter	Killing without the intent to kill or do harm. Usually caused by a negligent act, causing death.
Issue	(1) A point in a dispute between parties in a lawsuit. (2) To send out officially, as in to issue an order.
Jaywalking	Crossing an intersection or street without using a crosswalk or heeding traffic laws.
Joyriding	The use of a motor vehicle without the consent of the owner, with no intent to deprive the owner of permanently.
Judge	A public official appointed or elected to hear and decide legal matters in court.
Judgment	The court's final determination of a case.
Jurisdiction	(1) The legal authority of a court to hear and decide a case. Concurrent jurisdiction exists when two courts have simultaneous responsibility for the same case. (2) The geographic area over which the court has authority to decide cases.
Jurisprudence	The study of law and the structure of the legal system.
Jury	Persons selected according to law and sworn to inquire of and declare a verdict on matters of fact.
Juvenile	Person under the age of 18.
Juvenile Delinquent	Person under the age of 18 who is guilty of committing a crime.
Kidnapping	Forcibly abducting or taking a person away.
Larceny	The unlawful taking of someone's personal property with the intent of depriving the lawful owner of it permanently (theft).
Lease	A contract by which the rights to and use of property is conveyed to another in exchange for consideration (money).
Lessee	Person or entity possessing interest in real or personal property by contract (lease).
Lewd	Indecent or obscene. Any public behavior considered to be offensive.

Liability	Legally accountable.
Licentious	Lacking and or ignoring legal restraint.
Lien	A security interest in an asset.
Litigation	The process of a lawsuit.
Loan	Granting something for temporary use.
Loitering	Remaining in a place for no apparent reason.
Magistrate Judges	(1) A judicial official who conducts preliminary hearings, determines pre-trial release and in some states preside over “Civil Small Claims Court”. (2) Judicial officers who assist U.S. District Judges in getting cases ready for trial, who may decide some criminal and civil trials when both parties agree to have the case heard by a magistrate judge instead of a judge.
Malfeasance	Wrongful misconduct by a public official.
Malice Aforethought	Mental state for murder, encompassing any one of the following: 1) intent to kill, 2) intent to inflict serious injury, 3) reckless indifference to life, or 4) the intent to commit a felony (Felony Murder Rule).
Malpractice	Negligence or incompetence on the part of a professional.
Manslaughter	The unlawful killing of a person without malice aforethought.
Mayhem	Maliciously injuring a person’s body to impair or hinder their capacity for self-defense. Also known as “Battery”.
Menacing	An attempt to commit assault.
Mental Illness	A disorder affecting thought or mood to the degree that it impairs judgment, the ability to reason, perceptions, or behavior.
Minor	Someone who has not reached full legal age.
Misappropriation	Use of another person(s) assets or money for your own benefit.
Misfeasance	A lawful act performed in a negligent, malicious, or wrongful manner.

Mistrial	(1) An invalid trial caused by procedural error or serious misconduct. (2) A trial that ends without final judgment because the jury cannot reach a verdict. When a mistrial is declared, the trial must start again from the selection of the jury.
Mitigate	To make something less severe.
Money Laundering	Transferring illegally obtained money through legitimate sources or accounts so that its original sources cannot be traced (Federal Crime).
Motion	A written or oral request for the court to make a ruling or issue an order.
Municipal	Of or relating to local governments (city, county, town).
Murder	Killing someone with malice aforethought.
Narcotic	An addictive drug, an opiate, which dulls the senses or induces sleep.
Negligence	Failure to exercise care that a reasonable person would exercise in a similar situation. Conduct below any legal standard which subjects someone to harm.
No Bill by Grand Jury	Statement that finds insufficient evidence to hand down an indictment against a person accused of criminal charge.
No Contest	Nolo Contendere - a defendant does not contest the charges, but does not admit guilt. If accepted by the court, sentence can be imposed.
No Information Filed by State	Common in Florida, the abandonment or dropping of a criminal case by the state attorney usually due to the lack of evidence.
No Probable Cause (Dismissal)	Criminal charges are dismissed for lack of supporting evidence, usually at a preliminary hearing.
Nolle Prose Nolle Prosequi	Not prosecuted - the abandonment or dismissal of a criminal charge. Decision by the prosecutor to proceed no further.
Nolo Contendere	No contest – a defendant does not contest the charges, but does not admit guilt. If accepted by the court, sentence can be imposed.
Non Sufficient Funds (NSF)	Notation that an account does not contain the funds to cover the payment.

Notice of Appeal	A court filing and served on other parties involved stating an intention to appeal a trial court's judgment or order.
NTBF	Notation on a "Return of Service" meaning the subject was "Not To Be Found".
Obscene	Based on community standards of morality and decency, it is material or behavior found to be extremely offensive.
Obstruction of Justice	Anything that interferes with the administration of law and justice.
Offense	A violation of the law.
Opinion	A judge's written explanation of a decision of the court.
Oral Argument	An opportunity for lawyers to summarize their position before the court.
Order	An oral or written demand issued by the court.
Order for Arrest (OFA/FTA)	An order issued by the court directing law enforcement to take a person into custody. Also known as a bench warrant often used for people who fail to appear for court.
Ordinance	Issued by a municipality, they are rules or laws established locally.
Pandering	Recruiting or soliciting a prostitute.
Panel	(1) In appellate cases, a group of judges (usually three) assigned to decide the case. (2) A group of potential jurors.
Parole	Release from jail or prison before the full sentence has been served.
Parties	Active participants in cases before the court.
Pedophilia	The adult act of child sexual molestation.
Peeping Tom	A person who spies on another usually through an open window. Also known as voyeurism.
Perjury	Deliberately making false or misleading statements while under oath.
Personal Property	Property other than land or real estate. Cars, clothing, and jewelry, are all examples of personal property.

Piracy	(1) Criminal activity and violence committed while at sea. (2) Unauthorized reproduction and sale of materials that are protected by copyright.
Plaintiff	The person who files the complaint in a civil suit.
Plea	An answer to the charges; a declaration made in open court.
Pleadings	In a civil case, the answer to the complaint. In the federal courts, the principal pleadings are the complaint and the answer.
Poaching	The taking or killing of game or fish on another person's property.
Polygamy	Having more than one spouse at the same time.
Power of Attorney	Document granting a person the authority to act as agent or attorney-in-fact for the person granting the POA. Power of Attorney is revocable and automatically ends upon the death of the grantor.
Preliminary Hearing	A criminal hearing to determine whether there is enough evidence to send a case to trial. Issue a finding of "Probable Cause".
Pretrial Conference	An informal pre-trial meeting of the judge and lawyers to work toward the disposition of the case by discussing matters relating to the case.
Pro Se	A Latin term meaning, "on one's own behalf," in court, it refers to persons who represent themselves at trial.
Probable Cause	Sufficient evidence to make a reasonable person believe that a crime has been committed.
Probation	Alternative to imprisonment in which the court releases convicted defendants under the direct or indirect supervision of the court. Sentences can be suspended so long as the conditions of probation are observed.
Procedure	The rule or manner for a civil lawsuit or a criminal trial.
Prosecute	To charge someone with a crime. A prosecutor tries a criminal case on behalf of the state.
Quashed	To overthrow, to make void, annul. As an example, "to quash a warrant or case."
Quitclaim	To release your interest or rights to a claim or property.

Rape	Unlawful sexual intercourse committed by a man against a female.
Real Property	Refers to land or real estate.
Reciprocal Agreement	In general, this refers to the enforcement of motor vehicle laws between states.
Record	A written account of all the acts and proceedings in a lawsuit.
Remand	When an appellate court sends a case back to a lower court for further proceedings.
Resisting Arrest	Refusing to cooperate with an officer making an arrest.
Restraining Order	Issued commonly in cases of domestic violence, is an order issued by the court barring contact or interaction between parties. These orders can be issued immediately and can be issued ex parte (without all parties present).
Reverse	When an appellate court sets aside the decision of a lower court because of an error. A reversal is often followed by a remand.
Riot	An unlawful disturbance by three or more people in a public place.
Robbery	Taking property from a person by violence or intimidation.
Ruling	The court's decision on a point of law or a case.
Search Warrant	Warrant signed by a judicial official directing a law enforcement agency to search a specific area or property, usually for a specific item or items.
Sentence	The punishment imposed by the court on a defendant convicted of a crime.
Sequester	To segregate or isolate a jury during trial.
Service of Process	The official delivery of notices, and or orders issued by the court.
Settlement	The satisfactory resolution of a case without going to trial. Settlements often involve the payment of compensation by one party in satisfaction of the other party's claims.
Shoplifting	Concealment or theft of merchandise from a store. In some states it is also known as Misdemeanor Larceny.

Sidebar	A conversation between the judge and lawyers held out of earshot of the jury and spectators during a trial.
Small Claims Court	Lower level civil court. In most states, Small Claims Court is assigned civil cases involving amounts up to \$5,000.00.
Statute	A law passed by a legislature.
Statute of Limitations	A law that bars the bringing of civil claims and or criminal charges after a specified time.
Stay	The postponement or halting of a judgment or judicial proceeding.
STET	Popular in the State of Maryland, the setting aside of judgment or further proceedings of a case for a period of time, pending certain specified conditions set forth by judge are adhered to.
Subpoena Duces Tecum	An order of the court issued to a witness to produce documents.
Subpoena	A command for witness to appear and give testimony or produce evidence.
Summary Judgment	(1) A judgment entered on the basis of statements and evidence for the record without a trial. (2) It is used when there is no dispute as to the facts of the case, and one party is entitled to judgment as a matter of law.
Suspended Imposition of Sentence Suspended Sentence	A guilty plea or guilty verdict is entered and a sentence of jail time is imposed but suspended, provided certain conditions are met. Failure to meet or fulfill the court imposed conditions can result in the defendant going to jail to serve the time.
Testimony	Evidence presented orally by witnesses during trials or before grand juries.
Threat	A communicated intent to inflict harm.
Tort	A civil wrong or breach of a duty to another person, as outlined by law.
Transcript	A written, word-for-word record of what was said, either in a proceeding such as a trial or during some other conversation, as in a transcript of a hearing or oral deposition.
Trespass	The intentional and unlawful entry upon another person's land.
Truancy	The willful failure to attend school by one who is legally required to attend.

True Bill	An indictment; a statement made by a grand jury that finds sufficient evidence against an individual to proceed with a case.
U.S. Attorney	An attorney appointed by the President in each judicial district to prosecute and defend cases for the federal government.
Unconstitutional	In conflict with or contrary to the Consttution.
Unlawful	Not authorized by law.
Uphold	The decision of an appellate court not to reverse a lower court decision.
Uttering	To use or present a false instrument with the intent to defraud.
Vacated	To render of no effect a judgment decision, order or case.
Venue	Location of a trial or case.
Verdict	A jury's finding or decision on the factual issues of a case.
Vice	A moral failing or corruption.
Waiver	To voluntarily abandon rights to something.
Warrant	A written order directing the arrest of a party. A search warrant orders that a specific location be searched for items, which if found, can be used in court as evidence.
Witness	A person called upon to give testimony before the court.
Writ of Certiorari	An order issued by the Supreme Court directing the lower court to transmit records for a case for which it will hear on appeal.
Writ	A formal written command issued from the court, requiring the performance of a specific act.